



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/526,781

10/14/2005

Victor Jensen

17922/04387

6801

23413 7590 02/19/2010
CANTOR COLBURN, LLP
20 Church Street
22nd Floor
Hartford, CT 06103

EXAMINER

JOHNSON, KEVIN M

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

02/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/19/2009 have been fully considered but they are not persuasive.

The argument that Meredith teaches away from a coating comprising polyolefin is not persuasive. Meredith discloses that the coating material may incorporate a polyolefin where resilience is not a requirement (col. 3, lines 17-18). The argument that this disclosure teaches away from a coating utilizing a polyolefin for a resilient surface is acknowledged, but there is no requirement in the instant claims that the coating be resilient and therefor this argument is irrelevant. Further, the teaching in Meredith that the coating may include polyolefins when considered in combination with the disclosure in Valligny of a polyolefin coating material provides sufficient motivation for one of ordinary skill in the art at the time of the invention to modify the process taught by Meredith to utilize the coating material disclosed by Valligny.

The argument that Meredith does not require any flow of the coating material, and that as a result one of ordinary skill in the art at the time of the invention would not look to Valligny where melt flow is important is not persuasive. Meredith does require some degree of flow, as the sand grains are covered in a continuous coating which would not be possible if no flow occurred. Valligny discloses that the coating material forms a continuous coating (paragraph 3), and this teaching when considered in combination with the disclosure in Meredith that polyolefin coating materials may be

Art Unit: 1793

employed would provide sufficient motivation for one of ordinary skill in the art at the time of the invention to consult Valligny for compositional guidance.

The argument that the material disclosed by Valligny cannot be expected to meet the requirements of the instant claims because it is crosslinked is not persuasive. Valligny does not teach that the material must be crosslinked, but merely that the material is potentially crosslinkable for the purposes of improving resistance to thermal aging (paragraph 58). The material disclosed by Valligny is not crosslinked until after the coating had been formed on the substrate (paragraph 149). The coating material disclosed by Valligny would be expected to meet the requirements of the instant claims when not in a crosslinked state. Even if crosslinking were required by Valligny, the material that would exist at the intermediate stage after coating the substrate and before cross-linking would meet the requirements of the instant claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. JOHNSON whose telephone number is (571)270-3584. The examiner can normally be reached on Monday-Friday 9:00 AM to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Mayes can be reached on 571-272-1234. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1793

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M Johnson/
Examiner, Art Unit 1793

/David M Brunsman/
Primary Examiner, Art Unit 1793